

SENATE BILL NO. 351

INTRODUCED BY D. GRIMES

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING GENDER TO BE CONSIDERED WHEN ISSUING OR PROVIDING CERTAIN INSURANCE COVERAGE; DECLARING USE OF ACTUARIAL TABLES A NONDISCRIMINATORY APPROACH TO SETTING PREMIUMS; PROVIDING AN EXCEPTION FOR PREMIUM RATES ASSOCIATED WITH REPRODUCTIVE HEALTH; AMENDING SECTIONS 33-16-103 AND 49-2-309, MCA; AND PROVIDING AN APPLICABILITY DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. **Section 1. Actuarial tables in setting rates -- exception.** (1) A person who uses generally approved industry actuarial standards in establishing insurance premium rates is not discriminating on the basis of gender.

(2) (a) A person may not use industry-approved actuarial standards to establish disability insurance premium rates for persons on the basis of gender for costs associated with reproductive health care for individual and group health insurance policies.

(b) For the purposes of this section, "reproductive health care" means the prevention or control of a condition or disease of the human reproductive system functions and processes through diagnosis, monitoring, and treatment.

(3) This section applies to life insurance and disability insurance and to other insurance as provided in 33-16-103(1).

Section 2. Section 33-16-103, MCA, is amended to read:

"33-16-103. Application. ~~This~~ (1) Subject to subsection (2), this chapter applies to all insurers and all kinds of insurance, ~~except that nothing contained in this chapter applies to:~~

~~—— (1)(2) Except as provided in [section 1], this chapter does not apply to the following:~~

~~(a)~~ (a) life insurance;

~~(2)(b)~~ (b) disability insurance, except medicare supplement insurance subject to the provisions of chapter 22, part 9;

1 ~~(3)(c)~~ reinsurance, except joint reinsurance as provided in 33-16-307;

2 ~~(4)(d)~~ insurance against loss of or damage to aircraft, their hulls, accessories, and equipment; or against
3 liability, other than workers' compensation and employers' liability, arising out of the ownership, maintenance,
4 or use of aircraft;

5 ~~(5)(e)~~ insurance of vessels or craft, their cargoes, marine builders' risks, marine protection and
6 indemnity, or other risks commonly insured under marine, as distinguished from inland marine, insurance
7 policies; or

8 ~~(6)(f)~~ surplus lines insurance as defined in 33-2-301."
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10 **Section 3.** Section 49-2-309, MCA, is amended to read:

11 **"49-2-309. Discrimination in insurance and retirement plans.** (1) ~~It is an unlawful discriminatory~~
12 ~~practice for a~~ A financial institution or person to may not discriminate solely on the basis of ~~sex or~~ marital status
13 in the issuance or operation of any type of insurance policy, plan, or coverage or in any pension or retirement
14 plan, program, or coverage, including discrimination in regard to rates or premiums and payments or benefits.

15 (2) This section does not apply to any insurance policy, plan, or coverage or to any pension or
16 retirement plan, program, or coverage in effect prior to October 1, 1985.

17 (3) It is not a violation of the prohibition against marital status discrimination in this section for an
18 employer to provide greater or additional contributions to a bona fide group insurance plan for employees with
19 dependents than to those employees without dependents or with fewer dependents."
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21 NEW SECTION. **Section 4. Codification instruction.** [Section 1] is intended to be codified as an
22 integral part of Title 33, chapter 16, part 2, and the provisions of Title 33, chapter 16, part 2, apply to [section 1].
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24 NEW SECTION. **Section 5. Applicability.** [This act] applies to insurance policies entered into or
25 renewed on or after [the effective date of this act].
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